

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIOBANY SERRANO LUNA,

Defendant.

CASE NO. CR19-173 RSM

ORDER SETTING TRIAL DATE

THIS COURT having considered the record in this matter, the parties' positions as stated in the status hearing held September 21, 2010, and the General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of COVID-19, it is not possible at this time to proceed with a jury trial.
2. On July 16, 2020, attorney Timothy Lohraff was appointed to represent Mr. Luna, replacing previously appointed counsel. Mr. Lohraff is still relatively new to the

case and has advised the Court that he needs additional time to fully review discovery, consider potential defenses, and discuss the case with Mr. Luna, as well as research legal motions and prepare for trial if a plea resolution cannot be reached.

3. For the foregoing reasons, the Court finds that the failure to grant a continuance of the trial date in this case would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Given the volume of discovery produced in this case, including a number of lengthy video recordings, and the timing of Mr. Lohraff's appointment, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). Further, the failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant in a speedier trial.

IT IS THEREFORE ORDERED that the trial date is continued to February 16, 2021. The pretrial motions deadline is continued to January 14, 2021.

IT IS FURTHER ORDERED that the period time from the previously scheduled trial date of August 17, 2020, up to and including the new trial date of February 16, 2021, shall be excludable time pursuant to 18 U.S.C. § 3161.

Dated this 22nd day of September, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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2 Presented by:

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4 /s/ Jessica M. Manca

5 JESSICA M. MANCA

6 Assistant United States Attorney

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8 /s/ Timothy Lohraff (per Email approval)

9 TIMOTHY LOHRAFF

10 Counsel for Liobany Serrano Luna
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